

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

CV 69-7941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rutheron & Plaza Blanca

Subfile No. CHRU-004-0021

MOTION FOR SUBSTITUTION OF PARTIES

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and pursuant to Fed. R. Civ. Pro. 25(c) moves the Court to issue its order substituting JULIAN J. HERRERA, PATRICK J. HERRERA and JOSEPH M. HERRERA for defendants CATHERINE G. MARTINEZ and JULIO F. MARTINEZ in the proceedings, and as grounds states as follows:

1. Julian J. Herrera, Patrick J. Herrera and Joseph M. Herrera acquired the interests of defendants Catherine G. Martinez and Julio F. Martinez in the property under subfile CHRU-004-0021 by warranty deed dated June 26, 2003.

2. On November 18, 2003 Julian J. Herrera contacted the undersigned counsel for the State and expressed his desire to reopen certain subfile proceedings under subfile CHRU-004-0021. Defendants Catherine G. Martinez and Julio F. Martinez signed and approved a Consent Order in connection with subfile CHRU-004-0021 on June 16, 2003. This Consent Order was filed with the Court on September 19, 2003.

3. While taking no position on whether the Consent Order for subfile CHRU-004-0021

should be set aside or those proceedings reopened, the State requests the substitution of parties as described above.

4. Julian Herrera, Patrick Herrera and Joseph Herrera do not oppose this motion.

WHEREFORE the State requests the Court to enter its order substituting JULIAN J. HERRERA, PATRICK J. HERRERA and JOSEPH M. HERRERA for defendants CATHERINE G. MARTINEZ and JULIO F. MARTINEZ in these proceedings.

Respectfully submitted,

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I hereby certify that copies of the above Motion for Substitution of Parties were mailed to following persons on December 11, 2003.

/s/ Ed Newville
Edward G. Newville

DEFENDANTS

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